



1 *(Proposed amendments)*

2 **Rule 31.15 Permitted practice by law students and recent graduates.**

3 **31.15(1)** A law student enrolled in a reputable law school as defined by rule
4 31.8 and Iowa Code section 602.10102 certified to the office of professional
5 regulation by the dean of the school to have completed satisfactorily not less
6 than the equivalent of three semesters of the work required by the school to
7 qualify for the J.D. or LL.B. degree, may, under the following conditions,
8 engage in the practice of law or appear as counsel in the trial or appellate
9 courts of this state.

10 a. Appearance by students as defense counsel in a criminal matter in any
11 trial court shall be confined to misdemeanors and the student shall be under
12 the direct supervision of licensed Iowa counsel who shall be personally present.

13 b. Appearance by students in matters before the court of appeals or supreme
14 court of Iowa shall be under the direct supervision of licensed Iowa counsel
15 who shall be personally present.

16 c. Appearance or assistance by students in other matters shall be under the
17 general supervision of licensed Iowa counsel, but such counsel need not be
18 personally present unless required by order of the court.

19 **31.15(2)** A student who the dean certifies has completed not less than the
20 equivalent of two semesters of work required to qualify for the J.D. or LL.B.
21 degree may appear in a representative capacity in a contested case proceeding
22 before an administrative agency. Appearance by students who have completed
23 only two semesters of work shall be under the direct supervision of licensed
24 Iowa counsel who shall be personally present. Students who have completed at
25 least three semesters may appear in a representative capacity in a contested
26 case proceeding before an administrative agency under the general supervision
27 of licensed Iowa counsel, but such counsel need not be personally present
28 unless required by order of the tribunal.

29 **31.15(3)** ~~No~~ Except as allowed by rule 31.15(4), no student may engage in
30 the practice of law or appear as counsel in any court of this state or before an
31 administrative agency unless such practice or appearance is part of an
32 educational program approved by the faculty of the student's law school and
33 not disapproved by the ~~supreme court of the state of Iowa~~ Supreme Court, and
34 such program is supervised by at least one member of the law school's faculty.
35 A law student may continue to practice before courts or administrative
36 agencies of this state after completion of an educational program so long as the
37 placement is substantially the same as it was during the educational program,

1 approved by the law school, and done with the supervision required under rule
2 31.15(1) and (2).

3 **31.15(4)** A law student may assist licensed Iowa counsel to the same extent
4 as a non-attorney without being part of an educational program or being
5 certified to the office of professional regulation, but the student shall be under
6 the general supervision of licensed Iowa counsel who need not be personally
7 present. This paragraph does not allow a law student to appear in a
8 representative capacity in a contested case proceeding before an administrative
9 agency without complying with rule 31.15(2) and (3), or before a trial or
10 appellate court without complying with rule 31.15(1).

11 **31.15(4)(5)** A student shall not receive compensation other than general
12 compensation from an employer-attorney or from a law-school-administered
13 fund.

14 **31.15(6)** A graduate of a reputable law school who has applied to take the
15 Iowa bar examination is authorized to perform all activities described in this
16 rule on behalf of the public defender's office, attorney general's office, county
17 attorney's office, or an approved legal aid organization under the following
18 conditions:

19 a. Supervision of the graduate shall be the same as supervision of law
20 students under rule 31.15(1) and 31.15(2), but the graduate does not need to
21 meet the requirements of rule 31.15(3).

22 b. The graduate may perform under this rule beginning with the receipt of
23 the dean's certification of graduation and terminating either upon failure of the
24 next administration of the Iowa bar examination or upon the date of the
25 admissions ceremony for those who pass that examination.

26 c. The graduate may practice up to twenty-five hours per week from receipt
27 of their degree until the administration of the next Iowa bar examination.

28 d. The graduates are not limited in hours of practice under this rule from
29 administration of the bar exam until the date the bar exam results are posted
30 for those who fail or the date of the admissions ceremony for those who pass.

31 e. A graduate who has failed any state bar examination in the past is not
32 eligible to practice under this provision.

33 f. The supervising organizations listed above shall file a certificate with OPR
34 listing the starting dates for all graduates practicing under rule 31.15(6) and
35 shall file a second certificate indicating when the practice under this rule has
36 terminated.

1 **31.15(7)** Approved Legal Aid Organization. For purposes of this rule, an
2 “approved legal aid organization” shall include a program sponsored by a bar
3 association, law school, or a not-for-profit legal aid organization, approved by
4 the Iowa Supreme Court, whose primary purpose is to provide legal
5 representation to low-income persons in Iowa. A legal aid organization seeking
6 approval from the court for the purposes of this rule shall file a petition with
7 the Office of Professional Regulation certifying that it is a not-for-profit
8 organization and reciting with specificity the following:

9 a. The structure of the organization and whether it accepts funds from its
10 clients.

11 b. The major sources of funds the organization uses.

12 c. The criteria used to determine potential clients' eligibility for legal services
13 the organization performs.

14 d. The types of legal and nonlegal services the organization performs.

15 e. The names of all members of the Iowa Bar who are employed by the
16 organization or who regularly perform legal work for the organization.

17 f. The existence and extent of malpractice insurance that will cover the law
18 student or graduate.

19 Organizations designated as approved legal aid organizations under the
20 provisions of rule 31.19(c) shall be deemed an approved legal aid organization
21 for purposes of this rule.

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